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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

7 JOSE DECASTRO ) Case No.: 2:23-CV-00580  
8 Plaintiff, )  
9 v. ) **MOTION FOR EXTENSION OF**  
10 LAS VEGAS METROPOLITAN POLICE ) **TIME TO FILE RULE 59(e) MOTION**  
DEPARTMENT, et al. ) **REGARDING ECF NO. 45 RULING**  
11 )  
12 Defendants. )  
13 \_\_\_\_\_ )

Plaintiff Jose DeCastro (“Plaintiff”) respectfully moves this court for an extension of time to file a Rule 59(e) motion regarding the order at ECF No. 45. The request for an extension is for 28 days after the ruling on this motion or 28 days after the lift of the stay of proceedings in this action, whichever is later. The request is based primarily on the fact that this case is currently stayed, according to the record, but the stay is open to interpretation by this Court.

20 In support of this reply, Plaintiff submits a Memorandum of Points and Authorities, filed  
21 concurrently, and incorporated here, records in this action, on the oral argument of counsel, if  
22 any, and on such other and further evidence as the Court might deem proper.

## INTRODUCTION

On July 6, 2023, Defendants moved to “stay this civil action during the pendency of the state court criminal proceedings” (ECF No. 32, 8:12-13).

On July 21, 2023, this Court granted that motion in an order (“Order”) at ECF No. 35. Further, the Order said that discovery shall continue after a ruling on the motion to dismiss.

On October 24, 2023, this Court ruled on the motion to dismiss, requiring discovery to continue, but has not lifted its stay. The state court criminal proceedings are still pending.

## **MEMORANDUM OF POINTS AND AUTHORITIES**

**A. Rule 6(b) Motion to Extend Time is proper.** Fed. R. Civ. P. Rule 6(b) allows this court, for good cause, to extend the time of when a motion paper is due, if a request is made before the original time expires. Here, the Plaintiff will be filing a Rule 59(e) motion for an order that was entered October 24, 2023, making this motion timely. Additionally, there is good cause not to file a Rule 59(e) motion at this time, as this case is currently stayed.

DATED: November 8, 2023

Respectfully submitted,

  
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Jose DeCastro  
Pro Se Plaintiff